GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. S. Kasthuramma D/o Sri T.Subramanyam Reddy, R/o D.No.2-742, Suleman Street, Kongareddipalle, Chittoor, Chittoor District against the Proceedings Roc.C3/10309/2007, dated. 04.09.2011 of the District Collector, Chittoor - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.Ms.No.79. Dated:13.11.2015
Read the following:

1. Proceedings of the Dist. Collector, Chittoor, Roc.C3/10309/2007, dated.04.09.2011.
2. Appeal Petition filed by Smt. S. Kasthuramma D/o T. Subramanyam Reddy , R/o D.No. 2-742, Suleman Street Kongareddipalle, Chittoor, Chittoor District ,dt.11.10.2011.
3. Govt. Memo No.14674/CV.2/2011, S.W(CV.2) Department, dt. 19.11.2011.
4. From the District Collector, Chittoor, Lr.No.Rc.C3/10309/2007, dt:13.03.2012.
5. Govt. Memo No. 14674/CV.2/2011, S.W(CV.2) Department, dt.20.10.2012, 21.11.2012, 13.10.2014, 24.02.2015.
6. Govt. Memo No.14674/CV.2/2011, S.W(CV.2) Department, dt.12.03.2015.
7. Written arguments filed by the counsel for the appellant before the Government, dated:18.04.2015.

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ORDER:

In the reference 1st read above the District Collector, Chittoor has issued orders canceling ST- Konda Kapu Caste Certificate of Smt. S. Kasthuramma D/oT. Subramanyam Reddy, Chittoor District, obtained from the then Tahsildar, Chittoor in 1974.

2. In the reference 2nd read above, Smt. S. Kasthuramma D/o T. Subramanyam Reddy, Chittoor District, has filed Appeal Petition before the Government, against the Proceedings of the District Collector, Chittoor. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Chittoor in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Chittoor has furnished the Parawise remarks and connected records on the Appeal Petition of Smt. S. Kasthuramma D/o T. Subramanyam Reddy, Chittoor District.

4. The said Appeal Petition has been posted for hearing on 30.10.2012, 03.12.2012, 25.10.2014, 28.02.2015 and finally on 18.04.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 5th and 6th read above. The Appellant, Counsel for the Appellant was present and argued the case and explained her community status and filed Written Arguments before the Appellate Authority in support of her community claim in the reference 7th read above.

[P.T.O]

5. After examination of the records/ the copies of evidences/academic record/ grounds filed by the appellant / the parawise remarks submitted by the District Collector, Chittoor and Proceedings of the District Collector, Chittoor, dated:04.09.2011, it is observed that in her written arguments the Appellant has stated that that she belongs to ST-Konda Kapu, and her forefathers migrated from Visakhapatnam District to Chittoor prior to the year 1920. Except the Caste Certificate issued by the then Tahsildar, Chittoor in 1974, she fails to place cogent evidence to the satisfaction of the Collector during enquiry or before DLSC to the effect that she is ST-Konda Kapu. Further, as per judgment rendered by the Hon'ble Supreme Court in deciding the genuiness of the caste certificate, the power of the authorities under the above statute i.e., AP Act 16 of 1993 is very wide and how ever they shall given credence/ weightage to pre-independence record.

6. In the instant case, the Appellant obviously does not have any material to show that she or her parents originally belong to ST Kondakapu community and they lived in Agency tracts. Further, mainly Kondakapu's are there in Districts of Visakhapatnam and East Godavari Districts only, the Appellant being the resident of Chittoor District heavy burden lies on her to prove that her parents are of Kondakapu community and they hailed from Visakhapatnam as alleged by her. Therefore the Authority is bound to presume that she does not belong to ST Kondakapu community as there is no evidence placed by her to prove her Community. The District Collector, Chittoor after elaborate enquiry found that the appellant belongs to Kapu OC Community but not ST Kondakapu, as she failed to place any record before the RDO, Chittoor who conducted field enquiry in the said matter or before the District Legal Scrutiny Committee which also conducted further enquiry to the said matter. Finally the District Collector, Chittoor having held through enquiry cancelled the Certificate as obtained by her and notified the same as required under the Act and Rules.

7. Further, School Certificates of the Appellant alone cannot establish her community as Konda-Kapu as the said certificates were issued by the School Authorities based on the declaration given by her parents at the time of admission into school. Therefore the Collector rightly cancelled the certificate issued infavour of petitioner. The Government found no reason to interfere with the order of the learned Collector and the Appeal is divide of any merit. There is no infirmity found in the order of the District Collector, Chittoor and he has rightly passed the said order after following all the statutory requirements.

8. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Smt. S.Kasthuramma D/oT. Subramanyam Reddy, does not deserve any interference. Hence, Proceedings of the District Collector, Chittoor issued vide Roc.C3/10309/2007, dated. 04.09.2011, is hereby upheld and the Appeal Petition filed by Smt. S. Kasthuramma D/o T. Subramanyam Reddy, is hereby dismissed and the Certificate issued by the then Tahsildar, Chittoor deemed to be cancelled.

9. Consequently, the District Collector, Chittoor shall take necessary action in the matter.

10. The records (containing Roc.C3/10309/2007, dated:04.09.2011, Pages 01 to 680 cf) received from District Collector, Chittooor through the reference 4th read above, are returned herewith in original to District Collector, Chittoor and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A. VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT(TW)

To
The District Collector, Chittoor.(w.e)
(with original records)

[Contd…]

Smt. S. Kasthuramma
D/o T.Subramanyam Reddy , R/o D.No. 2-742, Suleman street,
Kongareddipalle, Chittoor, Chittoor District.

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Copy to:

The Director, TCR& TI, AP, Hyderabad.
P.S. to Hon'ble Minister(SWE&TWE).
P.S. to Principal Secretary(TW).

// FORWARDED :: BY ORDER //

SECTION OFFICER